

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1494 of 1996

with

SPECIAL CIVIL APPLICATION No 4984 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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PREMKUMAR BABULAL CHAUHAN

Versus

PALANPUR NAGARPALIKA

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Appearance:

MR MC BAROT for Petitioners

MR HS MUNSHAW for Respondent No. 1

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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 19/06/97

ORAL JUDGEMENT

Rule. Mr HS Munshaw learned advocate waives  
service for the respondent-municipality,

Heard the learned advocates. The grievance made  
by the petitioners is to the effect that the  
respondent-municipality has not been treated them at par  
with others lorry owners who have been provided a space  
to station their lorries on monthly fees of Rs 30/. Mr  
Munshaw for the respondent has stated that since the  
petitioners have not made any representation, their case  
has not been considered while passing the resolution  
dated 27th September, 1995 by the  
respondent-municipality, whereby the lorry owners were  
provided space to station their lorries. Mr Munshaw has  
further stated that even in case of the lorry owners, who  
have been provided with the space, the municipality has  
sent resolution for approval to the District Collector,  
Banaskantha and no decision has been taken. In view of  
this, if the following directions are given in the  
present petition, that would serve the ends of justice:

1) The petitioners shall make suitable representation to the respondent-municipality within two weeks from today, making a request to provide them space to station their lorry. As and when such a representation is made, the respondent-municipality shall consider the same and pass appropriate resolution similar to the earlier resolution No. 589 dated 27.9.1995 and will send the same for approval to the District Collector, Banaskantha. It goes without saying that the decision of the Collector shall be binding to the parties, subject to their rights to challenge the same by taking appropriate proceedings.

In view of the fact that the respondent-municipality in its affidavit stated that the respondent-municipality is not contemplating any action to remove the petitioners, no further direction at this stage is necessary.

In view of these directions, both the petitions are allowed accordingly. Rule is made absolute to the aforesaid extent only. No order as to costs.

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